

REMARKS/ARGUMENTS**I. General**

Applicant notes with appreciation that the Examiner allowed claims 38-53 in the final Office Action mailed March 27, 2003. Claims 1-37 stand finally rejected under 35 U.S.C. § 102 in the final Office Action mailed March 27, 2003. Applicant respectfully traverses the rejections of record.

Applicant has amended some of the pending claims to address issues discovered during the preparation of the present Amendment. Specifically, claims 6 and 9 have been amended to initially introduce the recited method using the indefinite article “a” rather than the definite article “the”. Similarly, claim 16 has been amended to remove the definite article “the” before reciting the phrase “channel sweep”. Claim 16 has been further amended to expressly state that the recited channel sweep and static methods are methods of signal analysis in an effort to make the claim read better. Claim 18 has been amended to provide formatting to more clearly separate the preamble from the body of the claim. Claim 25 has been amended to more closely track the language for which antecedent basis is provided as well as to correct a grammatical error. Claim 26 has been amended to correct a formatting error wherein a structural aspect of the claim body appeared in the preamble. These amendments have been made to correct minor informalities in the claims and are asserted to present claims with the same scope of coverage as those previously pending. No new matter has been added by these amendments.

II. The 35 U.S.C. § 102 Rejections

Claims 1-37 stood rejected under 35 U.S.C. § 102(e) in the final Office Action mailed March 27, 2003, as being anticipated by Caporizzo et al., patent number 6,014,547 (hereinafter *Caporizzo*). Applicant respectfully traverses the 35 U.S.C. § 102(e) rejections based upon *Caporizzo*.

The present Amendment presents amendments to the rejected independent claims to recite changing tuner power consumption therein. For example, claim 1 has been amended to recite the means for changing operating characteristics of the tuner including means for changing power consumption levels of certain tuner components, substantially as originally

presented in claim 2. Accordingly, claim 2 has been canceled by the present Amendment. Claim 1 has also been amended to recite that means for changing power consumption levels changes the power consumption levels to meet desired tuner output characteristics using an optimized tuner power level, such as discussed in the specification at page 3, lines 6-14. Similarly, independent claim 6 has been amended to recite the step of selecting an operating level for the tuner including the step of selecting an optimum power consumption level for the tuner, substantially, as originally presented in claim 7. Accordingly, claim 7 has been canceled by the present amendment and claim 8 has been amended to depend from claim 6 as well as to properly reference the aspects of claim 7 now appearing in claim 6. Independent claim 9 has been amended to recite determining optimal tuner power consumption. Independent claim 18 has been amended to recite determining acceptable tuner power consumption. Independent claim 26 has been amended to include the limitation of claim 28, thereby reciting determining desired power consumption of certain tuner components. Accordingly, claim 28 has been canceled by the present Amendment and claim 29 has been amended to depend from claim 26. Independent claim 32 has been amended to recite optimizing power levels with respect to certain tuner components.

The presently rejected claims, as amended, recite not only determining, selection, and/or adjustment of power levels of the tuner, but also recite direct selection or control of such power levels to provide optimum, acceptable, and/or desired tuner power consumption levels. In addressing Applicant's previously submitted arguments with respect to the patentability of the claims, the Examiner relies upon aspects of *Caporizzo* which may indirectly result in a variance of power consumption in the circuitry thereof. For example, the Examiner asserts that disabling an equalizer (the equalizer being used for attenuating all input signals to a same level) for signal level analysis used in equalizer adjustment reduces the power consumption of the tuner, see the final Office Action mailed March 27, 2003, at page 5. However, it cannot be said that any resultant power level consumption reduction which might be experienced by the *Caporizzo* system is in any way is optimized or otherwise determined to be acceptable or desired as a function of the input signal characteristics as recited in the claims.

Moreover, it is not at all clear from the disclosure of *Caporizzo* that enabling/disabling the equalizer thereof varies the power consumption levels of the tuner described therein. Equalizer 50 of *Caporizzo* is merely described as an equalizer which

compensates for the difference in the signal level between the lower frequencies and the higher frequencies by attenuating the frequencies having a higher signal level to the same level as the frequencies having a lower signal level, see column 3, lines 2-6. Such an equalizer may be comprised of passive resistive components which, although perhaps loading the input signal source when enabled, does not alter the power consumption levels of the tuner or its components.

Accordingly, it is respectfully asserted that each of independent claims 1, 6, 9, 18, 26, and 32 are allowable over the art of record. Moreover, as dependent claims 3-5, 8, 10-17, 19-25, 27, 29-31, and 33-37 depend directly or indirectly from one of the above independent claims, these dependent claims are asserted to be patentable over the art of record at least for the reasons set forth above.

III. Summary

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. /

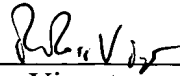
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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P016US/09806411 from which the undersigned is authorized to draw.

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Respectfully submitted,

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Version With Markings to Show Changes Made

1. (Twice Amended) A tuner for extracting specific signals from a set of signals on a carrier wherein the set of signals have at least one of a set of measurable characteristics, said tuner comprising:

means for determining from a measurement of the measurable characteristics which are present in a particular set of signals input to said tuner certain desirable tuner operating characteristics; and

means operable under control of said determining means for changing the operating characteristics of said tuner, wherein said operating characteristics changing means includes means for changing power consumption levels with respect to certain of said tuner components to meet desired tuner output characteristics when processing said specific signals of said set of signals having said characteristics using an optimized tuner power level.

Claim 2 has been canceled by the present Amendment.

6. (Thrice Amended) [The] A method of operating a tuner, said method comprising the steps of:

assessing from time to time the incoming signal environment, wherein an assessment of said incoming signal environment is a function of the signals then being processed by said tuner;

based upon said assessed incoming signal environment selecting an operating level for said tuner, wherein said selecting step includes the step of selecting an optimum power consumption level for said tuner; and

setting the operation of said tuner consistent with said selected operating level.

Claim 7 has been canceled by the present Amendment.

8. (Amended) The method of claim [7] 6 wherein said [last-mentioned] step of selecting an optimum power consumption level includes selecting optimum power levels for certain components of said tuner.

9. (Amended) [The] A method of operating a tuner, said method comprising the steps of

determining optimal tuner [operating characteristics] power consumption from knowledge of the signals being processed by the tuner; and

adjusting the tuner [operating characteristic] power consumption in accordance with said determining step.

16. (Amended) The method set forth in claim 9 wherein said determining step includes using [the] channel sweep and static methods of signal analysis at different times.

18. (Amended) A tuner comprising:
a circuit for determining acceptable tuner [operating characteristics] power consumption from knowledge of the signals being processed by the tuner; and
at least one circuit for adjusting the [operating characteristic] tuner power consumption in accordance with said determining circuit.

25. (Amended) The tuner of claim 18 wherein said determining circuit includes channel sweep circuitry and static determination circuitry, which circuitry is operable at different times.

26. (Amended) A tuner comprising [circuitry for]:
circuitry for determining desired [operating characteristics] power consumption of certain tuner components from knowledge of the signals being processed by the tuner; and
circuitry operable in cooperation with said determining circuitry for adjusting the [operating characteristics] power consumption of said certain components.

Claim 28 has been canceled by the present Amendment.

29. (Amended) The tuner of claim [28] 26 wherein said adjusting circuitry controls current levels of said certain components.

32. (Amended) A tuner operable for extracting certain signals from a set of signals, said tuner operable with at least two different signal sets, each signal set having a different operation characteristic, said tuner including:
determination circuitry for selecting which signal set is being processed at a point in time; and
adjustment circuitry operable in cooperation with said determination circuitry for [changing] optimizing power levels with respect to certain tuner components in accordance with the signal set then being processed.